

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America, :
Plaintiff, :
v. : Case No. 2:06-cr-0161
Harrison Von Steiff, : JUDGE GRAHAM
Defendant. :

ORDER

Defendant has moved to modify his conditions of release to allow him to travel outside the United States from December 3, 2006 through December 10, 2006. The purpose of the travel is a Caribbean cruise. The United States opposes the motion. For the following reasons, the motion will be granted.

Defendant was released on bond in this case in June of this year. His travel was restricted to the Northern District of Georgia, which is the district of his residence, and the Southern District of Ohio. He has incurred no bond violations since being released, has pleaded guilty pursuant to a plea agreement, and is awaiting sentencing. The proposed sentence is one day in prison, to be fulfilled by time already served, followed by supervised release.

The United States argues that defendant's history of committing financial fraud offenses and his ability to have evaded arrest in this case for a substantial period of time should weigh against his release. The United States also argues that he should not be permitted to go on vacation for a week but should spend his time earning money to pay restitution.

The Court bases its decision in such cases on whether the modification creates more than an insubstantial risk of flight or

danger to the community. Despite the United States' arguments that some Caribbean islands are locations where financial frauds may be facilitated, there is no evidence that the defendant is currently engaged in any such activity or that he will use his vacation as an opportunity to further a fraud. The Court also concludes that the short duration of the trip, the specific itinerary involved, and the fact that defendant does not appear to be facing significant prison time, coupled with his compliance with bond conditions to date, indicate that no increased risk of flight or non-appearance will result if the modification is granted. Finally, there is no indication that this modification will interfere with the ability of his pretrial services officer to monitor his compliance with the existing conditions of release or to implement or carry out any treatment or counseling program.

Based on the foregoing, defendant's motion to modify conditions of release (#22) is granted. Those conditions are modified to permit defendant to travel outside his restricted travel areas from December 3, 2006 through December 10, 2006, for purposes of vacationing. He shall comply with the itinerary described in his motion, and shall report to Pretrial Services immediately upon his return.

/s/ Terence P. Kemp
United States Magistrate Judge